

### **REMARKS**

In response to the Office Action dated December 10, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 14 and 16 have been amended. The Examiner's indication that claims 1-13 and 15 are allowed is gratefully acknowledged. No new matter has been added by the amendment.

#### ***Claim Rejections Under 35 U.S.C. §112, Second Paragraph***

Claims 14 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 14 and 16 were amended in accordance with the Examiner's recommendation to positively recite structural limitations to further define the apparatus claimed. Thus, claims 14 and 16 are believed to be allowable.

Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections of claims 14 and 16 under 35 U.S.C. §112, second paragraph.

#### ***Claim Rejections Under 35 U.S.C. §102(b)***

Claim 16 was rejected under 35 U.S.C. §102(b) as being anticipated by Robertson Jr. et al., U.S. Patent No. 5,950,417 and by Kolman et al., U.S. Patent No. 6,449,956 and by Steber et al., U.S. Patent No. 6,331,110.

Applicant has amended claim 16 to recite additional structural limitations necessary to carry out the recited method steps. Claim 16 recites, *inter alia*, said fixed amount of compressor discharge air disposed concentrically around said variable amount of said compressor discharge air. To the contrary, none of the cited references teach or suggest a structure in which a fixed amount of compressor discharge air is introduced into a combustor concentrically around a variable amount of compressor discharge air. Thus, claim 16 is believed to be patentably distinct in view of the cited references.

Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection of claim 16 under 35 U.S.C. §102(b).

**Conclusion**

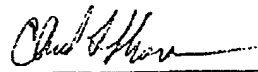
In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: \_\_\_\_\_

  
Chad L. Thorson  
Reg. No. 55,675  
Confirmation No. 5220  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115

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